

HB 77 — Renewable Energy

by Rep. Littlefield and others (CS/SB 494 by Community Affairs Committee and Senators Bennett, Crist, and Posey)

This bill requires public utilities and specified municipal electric utilities and rural electric cooperatives to offer a purchase contract to producers of renewable energy basing payment on the utility's avoided cost. The provision uses the current avoided cost payment price to minimize the cost impact on utilities' customers while encouraging renewable energy. Definitions of "biomass" and "renewable energy" are provided to allow additional generators to sell to the utilities. Municipal and cooperative utilities are included. A minimum 10-year contract is required.

This bill also provides that prior to the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility, the county must implement and maintain a solid waste management and recycling program designed to meet the 30 percent waste reduction goal. If a waste-to-energy facility is built in a county with a population of less than 100,000, that county would have to have a program designed to achieve the 30 percent waste reduction goal, and not just provide the opportunity to recycle.

The bill also encourages local government applicants for a permit to construct or expand a Class I Landfill to consider the construction of a waste-to-energy facility as an alternative to additional landfill space.

If approved by the Governor, these provisions take effect October 1, 2005.

Vote: Senate 39-0; House 117-0

HB 155 — Lake Okeechobee Protection Program

by Rep. Machek and others (CS/SB 502 by Environmental Preservation Committee and Senator Alexander)

This bill (Chapter 2005-29, L.O.F.) establishes legislative findings that in order to achieve the goals and objectives of the Lake Okeechobee Protection Program and to effectively implement the Lake Okeechobee Watershed Phosphorus Control Program, the state must expeditiously implement the Lake Okeechobee Protection Plan. It establishes that a continuous source of funding is needed to implement a phosphorus control program that initially targets the most significant sources contributing to phosphorus loads within the watershed, and continues to address other sources as needed to achieve the phased phosphorus load reductions.

The “Lake Okeechobee watershed” is redefined to mean Lake Okeechobee and the area surrounding and tributary to Lake Okeechobee, composed of the surrounding hydrologic basins, as defined by the Lake Okeechobee Protection Plan dated January 1, 2004.

The Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District are jointly responsible for implementing the Lake Okeechobee Protection Plan. Annual funding priorities are to be jointly established and the highest priority shall be assigned to programs and projects that address phosphorus sources that have the highest relative contribution to phosphorus loading and the greatest potential for phosphorus reduction. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal matching funds or other nonstate funding, including public-private partnerships. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

These provisions were approved by the Governor and take effect July 1, 2005.

Vote: Senate 38-0; House 110-0

HB 331 — Inland Lakes and Canals

by Rep. Bowen and others (SB 772 by Senator Dockery)

This bill provides that the placement of certain informational markers by counties, municipalities, or other governmental entities on inland lakes and their associated canals is exempt from permitting by the Division of Law Enforcement, Fish and Wildlife Conservation Commission. Such information markers include, but are not limited to, end of boat ramp, no swimming, swimming area, lake name, trash receptacle, public health notice, underwater hazard and canal, regulatory emergency, and special event markers.

The placement of any safety, navigational, or informational marker on state submerged lands does not subject such lands to the lease requirements of ch. 253, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 115-1

CS/CS/SB 332 — Water Protection and Sustainability Trust Fund

by Ways and Means Committee; Environmental Preservation Committee; and Senators Dockery and Lynn

The bill creates the Water Protection and Sustainability Trust Fund for the purposes of implementing s. 403.890, F.S. which is created in CS/CS/CS/SB 444.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 115-0

HB 395 — Recreational Licenses and Permits

by Rep. Kendrick and others (CS/SB 1610 by Governmental Efficiency Appropriations Committee and Senators Atwater and Fasano)

The bill creates the annual military gold sportsman's license for \$18.50. The military gold sportsman's license covers all hunting and freshwater and saltwater fishing licenses, including activities authorized by a management area permit and muzzle-loading gun, turkey, Florida waterfowl, archery, snook, and crawfish permits, for any resident who is an active or retired member of the U.S. Armed Forces, the U.S. Reserve Forces, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserve.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 118-0

CS/CS/CS/SB 444 — Water Supplies

by Ways and Means Committee; Governmental Oversight and Productivity Committee; Environmental Preservation Committee; and Senators Dockery, Argenziano, and Lynn

The bill provides for numerous changes to the state's water resource development efforts.

Section 373.196, F.S., is substantially reworded to provide legislative direction to guide the development of alternative water supplies. Provisions set out legislative purposes, define the roles of local governments and water management districts, and establish a goal for the districts to provide a 100 percent match of state funds for the development of alternative water supplies.

Section 373.1961, F.S., is amended to create a new program to guide the water management districts in funding alternative water supply projects. Included in the bill are provisions that: detail how the funds shall be allocated to each water management district; direct that all applicants must provide for at least 60 percent of the projects' capital costs; provide factors that the governing board must consider in determining the priority order for projects; require certain rate setting structures for utilities receiving funds; and allow the water management districts to impose certain conditions for reuse projects that receive funds.

The bill amends current law concerning requirements for the issuance of consumptive use permits to provide that any project funded under this new program shall be presumed to be in the public interest.

Current law is amended to direct that the water management districts issue 20-year permits for projects that develop alternative water supplies.

Section 373.459, F.S., relating to surface water improvement and management programs is amended to require a 50 percent match for all projects.

Section 373.0361, F.S., which governs the development of regional water supply plans, is substantially amended. The bill primarily changes requirements concerning the data and analysis that must be provided for in the report. A new provision is added that allows local governments to undertake their own water supply assessment which must be evaluated by the water management districts and used if possible in the development of these plans. In addition, provisions are added to improve the flow of information between water planners, utility planners, and the water management district staff.

The bill makes a series of changes to existing growth management laws. Specifically local governments: will now be required to select and include in their capital improvement element those alternative water supplies needed to meet their future water needs; be required to determine, prior to the issuance of a building permit, that adequate water will be available; and include in their evaluation and appraisal reports the extent to which water projects are being implemented.

Numerous changes are made to s. 403.067, F.S., relating to the development and implementation of total maximum daily loads. The bill adds specific criteria that will be followed in the development of basin management action plans; implementation of the loads; and development and use of best management practices. The practical purpose of these new criteria is to address the inclusion of non-point sources into the program and provide guidance for how the plans will interact with existing permitting programs.

Section 403.885, F.S., is amended to change the existing Water Quality Improvement and Water Restoration Grant Program. This program is used to determine the eligibility of individual projects submitted annually to the legislature. The bill removes provisions that made the program competitive, prohibits drinking water programs from future consideration, and provides new criteria for projects. The new criteria provide that the project must be approved by a water management district, be part of a previously approved project, and provide a local match.

The bill creates s. 403.890, F.S., the Water Protection and Sustainability Program. This new program is designed to provide funding for the new alternative water supply program provided in the bill and to also fund a series of existing state programs. The existing state programs include: surface water improvement and management; total maximum daily loads; and disadvantaged small community wastewater grant program. The bill provides two distribution methods. One for use in the 2005-2006 FY and the other for future fiscal years. For FY 2005-2006: \$100 million for alternative water supply; \$50 million for total maximum daily loads; \$25 million for surface water improvement and management; and \$25 million for the disadvantaged small community

wastewater grant program. For future years the distribution is: 60 percent for alternative water; 20 percent for daily loads; 10 percent for water improvement and management; and 10 percent for small communities.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-1; House 114-0

HB 473 — Water Management District Security

by Rep. Poppell and others (SB 1612 by Senators Atwater and Lynn)

This bill authorizes water management districts to conduct fingerprint based criminal history checks of current or prospective employees and others with regular access to restricted access areas. Water management districts with structures or facilities identified as critical infrastructure by the Regional Domestic Security Task Force will be required to conduct the criminal history checks while water management districts without such infrastructures will be authorized to conduct the checks.

Water management district security plans for buildings, facilities, and structures will be required to identify criminal convictions or other criminal history factors that disqualify a person from either initial employment or restricted area access. Any person who has within the past 7 years been convicted of certain offenses will not qualify for employment or access to a restricted area. A person must remain conviction-free for a period of at least 7 years after release from incarceration before he or she may be able to qualify for employment or restricted area access.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-3; House 115-0

CS/CS/SB 486 — Enterprise Zones

by General Government Appropriations Committee; Environmental Preservation Committee; and Senators Dockery and Haridopolos

This bill allows the City of Lakeland, the Cities of Vero Beach and Sebastian jointly, Sumter County, and Orange County and the municipality of Apopka jointly, to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone each. Each zone shall encompass an area up to 10 square miles. The applications must be submitted by December 31, 2005, and must comply with the requirement of s. 290.0055, F.S., relating to the local nominating procedure.

The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the tax incentives available to rural enterprise zones and the effectiveness of rural enterprise zones in creating jobs. In particular, the evaluation must consider whether existing tax and other financial incentives available under the Enterprise Zone Act are appropriate for

businesses located in rural enterprise zones and whether incentives such as the transfer of unused tax credits would enhance the effectiveness of rural enterprise zones. The evaluation shall include an estimation of the costs of new tax incentives. The evaluation shall also identify obstacles faced by rural enterprise zones and recommend possible solutions. The Office of Program Policy Analysis and Government Accountability shall conduct its evaluation and make a report containing its findings and recommendations to the Legislature by December 1, 2005.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 115-0

HB 655 — Florida Inland Navigation District

by Rep. Machek and others (SB 1352 by Senator Aronberg)

This bill (Chapter 2005-35, L.O.F.) expands the responsibilities and authority of the board of the Florida Inland Navigation District (District) with respect to the improvement and maintenance of the Intracoastal Waterway from St. Mary's River to the southernmost boundary of Miami-Dade County, to add responsibilities for that portion of the Okeechobee Waterway (which crosses Lake Okeechobee) located in Martin and Palm Beach counties and which was authorized as a federal project under the River and Harbor Act of March 2, 1945. The bill also provides that the District is not required to undertake actions to restore navigation when Lake Okeechobee water levels are less than 12.5 feet National Geodetic Vertical Datum.

These provisions were approved by the Governor and take effect July 1, 2005.

Vote: Senate 40-0; House 112-0

HB 727 — Water Management Districts Planning and Reporting

by Rep. M. Davis and others (CS/CS/SB 2462 by Government Efficiency Appropriations Committee; Environmental Preservation Committee; and Senator Atwater)

This bill (Chapter 2005-36, L.O.F.) would codify a pilot project undertaken by the South Florida Water Management District regarding the consolidation of numerous statutorily required reports into a single annual report. Changes made by the bill to reporting requirements would now apply to all of the state's water management districts.

The bill also gives the water management districts the option to develop a strategic management plan in lieu of a district water management plan. The strategic plan may be substituted for the district management plan, provided it meets a series of minimum requirements.

These provisions were approved by the Governor and take effect July 1, 2005.

Vote: Senate 40-0; House 116-0

HB 759 — Environmental Permitting Programs

by Rep. Williams and others (CS/CS/SB 2502 by Governmental Oversight and Productivity Committee; Environmental Preservation Committee; and Senator Dockery)

This bill provides that financial responsibility must be provided for permitted phosphate mining activities that affect wetlands. For permitted phosphate mining activities which will occur over a period of 3 years or less, financial responsibility demonstration must be provided to the Department of Environmental Protection (DEP) prior to the commencement of mining operations in an amount equal to 110 percent of the estimated mitigation costs for wetlands and other surface water affected under the permit. For permitted activities which will occur over a period of more than 3 years of mining operations, the initial financial responsibility demonstration shall be in an amount equal to 110 percent of the estimated mitigation costs for wetlands and other surface waters affected in the first 3 years of operation under the permit. For each year thereafter, the financial responsibility demonstration shall be updated, to provide an amount equal to 110 percent of the estimated mitigation costs for the next year of operations under the permit for which financial responsibility has not already been demonstrated and to release portions of the financial responsibility mechanisms. The mechanisms for providing financial responsibility are provided.

The financial responsibility requirements for phosphate mining operations do not apply to any mitigation for wetlands that is required pursuant to a permit or permits initially issued by the DEP or district prior to January 1, 2005.

The bill also directs the DEP to develop on or before October 1, 2005, a mechanism or plan to consolidate the federal and state wetland permitting programs. The bill's stated intent is to have the state process all dredge and fill activities impacting 10 acres or less in wetlands or water as part of the environmental resource permitting program. The mechanism or plan shall analyze and propose the development of an expanded state programmatic general permit program in conjunction with the U.S. Army Corps of Engineers pursuant to s. 404 of the federal Clean Water Act and s. 10 of the Rivers and Harbors Act of 1899.

The DEP shall file a report with the Speaker of the House of Representatives and the President of the Senate proposing any required federal and state statutory changes that would be necessary to accomplish the expanded state programmatic general permit. The DEP must coordinate with the Florida Congressional Delegation on any necessary changes to federal law to implement the directives.

The date for the Northwest Florida Water Management District to implement an Environmental Resource Permit program is extended from July 1, 2005, to July 1, 2010.

The date by which the Peace River Basin resource management plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives is extended to January 31, 2007.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 105-11

CS/SB 786 — Fees Imposed on Tire and Battery Sales

by General Government Appropriations Committee and Senator Clary

This bill clarifies that governmental entities are required to pay the \$1 per tire fee imposed on the retail sale of new motor vehicle tires and the \$1.50 fee imposed on the retail sale of any new or remanufactured lead-acid battery.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 36-0; House 111-1

HB 805 — Exemption From The Tax on Sales, Use, and Other Transactions for Solar Energy Systems

by Rep. Williams and others (SB 1620 by Senators Atwater, Dockery, Rich, Margolis and Wilson)

This bill deletes the repeal of the sales tax exemption for solar energy systems.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0

SB 908 — Wekiva Parkway and Protection Act

by Senator Constantine

This bill amends the Wekiva Parkway and Protection Act to correct certain glitches that have been discovered since the passage of the act.

Each local government within the Wekiva Study Area is required to develop a master stormwater management plan. This bill clarifies that for those local governments located partially within the Wekiva Study Area, this requirement applies only to that portion located within the Wekiva Study Area.

Local governments within the Wekiva Study Area are required to develop a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available. This bill clarifies that for those local governments located partially within the Wekiva Study Area, this requirement applies only to that portion located within the Wekiva Study Area.

Within 1 year after the establishment of the interchange location, the local government hosting an interchange on the Wekiva Parkway shall adopt an interchange land use plan amendment. This bill exempts interchanges located on Interstate 4.

By December 1, 2006, the local government must provide an up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development and for which the local government is responsible. This bill corrects a date conflict with s. 163.3177, F.S., which requires that by December 1, 2006, the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361, F.S.

Also, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs (DCA) pursuant to ch. 163, F.S., and ch. 9J-5, F.A.C. The effect of adding the reference to ch. 163, F.S., is to omit small-scale amendments from DCA review.

This bill also corrects a reference to the East Central Florida Regional Planning Council.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0

HB 913 — Littering

by Rep. Culp and others (CS/SB 1774 by Government Efficiency Appropriations Committee and Senator Rich)

This bill increases the penalty for a litter violation of an amount not exceeding 15 pounds in weight or 27 cubic feet in volume from \$50 to \$100. The \$50 increase in the litter fine shall be deposited into the Solid Waste Management Trust Fund and used for the solid waste management grant program pursuant to s. 403.7095, F.S.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 117-0

HB 937 — Contamination Notification

by Rep. Galvano and others (CS/CS/SB 330 by Governmental Oversight and Productivity Committee; Environmental Preservation Committee; and Senator Dockery)

The bill requires that a person provide notice to the Department of Environmental Protection (DEP) when contamination is discovered as a result of site rehabilitation activities. The DEP is responsible for notifying the affected public.

Should the person responsible for site rehabilitation, or his or her authorized agent, discover from laboratory analytical results that comply with appropriate quality assurance protocols specified in DEP rules, that contamination exists beyond the boundaries of the property at which site rehabilitation was initiated, the person responsible for site rehabilitation shall give actual notice as soon as possible, but no later than 10 days from such discovery to the Division of Waste Management at DEP's Tallahassee office. The actual notice shall be on a form adopted by the department and mailed by certified mail, return receipt requested. The person responsible for site rehabilitation shall simultaneously mail a copy of the notice to the appropriate department district office, county health department, and all known lessees and tenants of the source property. The notice must contain certain specified information.

Within 30 days after receiving the actual notice, or within 30 days of the effective date of this act if the department already possesses information equivalent to that required by the notice, the department shall send a copy of the notice to all record owners of any real property, other than the property at which site rehabilitation was initiated, at which contamination has been discovered. If the property at which contamination has been discovered is the site of a school, the department must also send a copy of the notice to the chair of the school board of the district in which the property is located and direct the school board to provide actual notice to teachers and parents of students attending the school during the period of site rehabilitation. Along with the notice, the department shall include a letter identifying sources of additional information about the contamination and a telephone number to which further inquiries should be directed. The department may collaborate with the Department of Health to develop such sources of information and to establish procedures for responding to public inquiries about health risks associated with contaminated sites.

If approved by the Governor, these provisions take effect September 1, 2005.

Vote: Senate 39-0; House 115-0

HB 989 — Natural Resources

by Rep. Mayfield and others (SB 2288 by Senators Bennett and Posey)

This bill contains the provisions of CS/SB 1866 relating to the Fish and Wildlife Conservation Commission. The bill increases and changes the membership of the Boating Advisory Council and increases the terms of office from 2 years to 3 years.

The bill also provides that a firm or corporation may only receive a saltwater products license issued to a valid commercial vessel registration number. That license may not be transferred to another individual, firm, or corporation.

Certain license fees are increased.

The provisions relating to environmental education and the Advisory Council on Environmental Education are repealed.

The bill also provides that the Department of Environmental Protection shall adopt by rule one or more general permits for local governments to construct, operate, and maintain public marina facilities, public mooring fields, public boat ramps, including associated courtesy docks, and associated parking facilities located in uplands. The general permits shall include provisions to ensure compliance with ch. 373, part IV, F.S., s. 373.118(1), F.S., relating to general permits, and the criteria necessary to include the general permits in a state programmatic general permit issued by the U.S. Army Corps of Engineers. A facility authorized under such general permits is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. The facilities shall be consistent with the local government manatee protection plan and must obtain Clean Marina Program status prior to opening for operation and must maintain that status for the life of the facility. Marinas and mooring fields authorized under any such general permit shall not exceed an area of 50,000 square feet over wetlands and other surface waters. All facilities permitted under this general permit shall be constructed, maintained, and operated in perpetuity for the exclusive use of the general public.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 116-1

HB 1031 — Reuse and Recycling of Campaign Signs

by Rep. Russell and others (CS/SB 1542 by Environmental Preservation Committee and Senators Dockery and Lynn)

This bill requires the Department of Environmental Protection to design a pilot project for implementation in 2006, to encourage the reuse or recycling of campaign signs. At a minimum, the department shall identify two large counties and two small counties to establish a central depository for used campaign signs and to make such signs available, at no cost to the receiving entity, to schools and other entities that may have a use for them and to companies that can recycle the materials from which the signs are made into new materials or products. As part of the pilot project, the department is required to submit details for the program along with a budget request for use of funds from the Solid Waste Management Trust Fund prior to the start of the 2006 Regular Session.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 39-0; House 112-0

HB 1141 — Greenways and Trails

by Rep. M. Davis and others (CS/CS/SB 774 by General Government Appropriations Committee; Environmental Preservation Committee; and Senators Dockery, Argenziano, Klein, Lynn, and Crist)

This bill renames chapter 260, F.S., as the “Florida Greenways and Trails.” The bill establishes the Legislature's intent to recognize the Florida National Scenic Trail (Trail) as Florida's official statewide non-motorized trail from the Florida Panhandle to the Everglades and the Florida Keys, and recognizes the federal government's major contributions and the efforts of private landowners, state government and non-profit entities in establishing the Trail. The bill establishes the Legislature's intent to encourage private landowners to continue to allow the use of private property for Trail purposes through incentives and liability protection, and encourages state and local agencies responsible for ecotourism to recognize the importance of the Trail in providing nature-based recreational opportunities to local communities along the Trail route.

The term limits and duties for members of the Florida Greenways and Trails Council are revised.

Outside appraisals for Trail acquisitions are required regardless of the estimated value of the property. The Legislature's intent to encourage all state and local agencies to assist various public and private entities in securing public access to linear corridors suitable for trails is established.

The bill creates the “Florida Circumnavigation Saltwater Paddling Trail” as part of the Florida Greenways and Trails System. The Department of Environmental Protection is directed to establish the starting and ending points of the paddling trail within 180 days after the effective date of the act, and is provided with exclusive authority to name and locate the segments of the paddling trail, with the exception of the Big Bend Saltwater Paddling Trail. The Paddling Trail is composed of 26 segments starting at the Florida/Alabama border on the west and ending at the Florida/Georgia border on the east. The department is authorized to name and locate the segments of the trail based on specific criteria, including logical geographical boundaries.

The bill creates the Conserve by Bicycle program within the Department of Transportation to study how resources may be conserved, health may be improved, safety improved, and traffic congestion reduced by enhancing bicycling in Florida.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 116-0

HB 1289 — Signing and Sealing by Professional Geologists

by Rep. Jordan (CS/SB 1988 by Regulated Industries Committee and Senator Saunders)

This bill provides that if a permit or license, or the performance of an activity regulated under ch. 373, F.S., requires the services of a professional geologist, the Department of Environmental

Protection or the governing board of a water management district may require that a licensed geologist sign and seal any documents and reports submitted in connection with the permit application or regulated activity. The cost of such signing and sealing by a professional geologist shall be borne by the permit applicant or permittee.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 115-0

CS/SB 1318 — Underground Petroleum Storage Tanks

by General Government Appropriations Committee and Environmental Preservation Committee

This bill amends the underground petroleum storage tank program. Specifically, the bill:

- Directs the Department of Environmental Protection to establish a process to uniformly encumber funds appropriated for underground petroleum storage tank cleanups throughout the state fiscal year.
- Authorizes the Department of Environmental Protection to establish a prioritization system within a particular scoring range.
- Provides funding for limited interim soil source removals for eligible sites that will become inaccessible due to Department of Transportation road projects.
- Provides funding for limited interim soil source removals for eligible sites that upgrade their underground petroleum storage tanks to secondary containment in advance of the site's priority ranking for cleanup.
- Provides that the funding for the soil source removals is limited to \$50,000 per site, but can be as much as \$100,000 under certain conditions. A maximum of \$1 million per year is available for the Department of Transportation projects and a maximum of \$10 million per year is available for the upgrading of tanks to secondary containment.
- Extends the life of the Inland Protection Financing Corporation from 2011 to 2025, and authorizes the corporation to issue bonds, notes, etc. to pay for large-scale cleanups such as ports, airports, and terminal facilities that are eligible for state funding. Before the corporation can issue bonds, the project must be identified, and the corporation must submit a detailed financing plan to the Governor, President of the Senate and the Speaker of the House of Representatives. The Legislature must specifically approve the cleanup project to be financed. The impact to the Inland Protection Trust Fund is limited to \$10 million in any state fiscal year and the total amount of the debt is limited to \$100 million.
- Creates the Innocent Victim Petroleum Storage System Restoration Program for property owners with contaminated sites that were acquired prior to July 1, 1990. To be eligible

for cleanup, the site must have ceased operating as a petroleum storage or retail business prior to January 1, 1985.

If approved by the Governor, these provisions take effect July 1, 2005

Vote: Senate 39-0; House 117-0

HB 1389 — Water Control Districts

by Rep. Domino (SB 2460 by Senators Atwater and Lynn)

This bill will allow the board of supervisors of a water control district to purchase, sell, lease, convey, or transfer real or personal property.

A water control district located entirely within an unincorporated portion of a county and which has an adopted water control plan would be allowed to be the exclusive provider within the district for services and facilities under ch. 298, F.S.

A water control district's engineer's report that meets certain criteria is exempt from the water control plan adoption process. The board of supervisors of the water control district must hear all proposed revisions to the engineer's report, the water control plan, or plan amendments, and the board of supervisors may approve or amend the engineer's report, the water control plan, and plan amendments.

The water control district assessments constitute a lien on the assessable property.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 101-13

HB 1395 — Beach Safety

by Rep. Murzin and others (CS/CS/SB 2426 by Governmental Oversight and Productivity Committee; Environmental Preservation Committee; and Senator Clary)

This bill provides that the Department of Environmental Protection (DEP) must develop, direct, and coordinate the uniform beach warning and safety flag program. The purpose of the program is to encourage the display of uniform warning and safety flags at public beaches along the coast of the state and to encourage the placement of uniform notification signs that provide the meaning of such flags.

Only warning and safety flags developed by the DEP may be displayed. Participation in the program shall be open to any governmental entity having jurisdiction over a public beach along the coast, whether or not the beach has lifeguards.

The DEP may use any appropriations or grants available to establish and operate a program to encourage the display of uniform warning and safety flags at all public beaches along the coast and to encourage the placement of uniform notification signs that provide the meaning of the flags displayed.

The bill specifically provides that due to the inherent danger of constantly changing surf and other naturally occurring conditions along the coast of the state, state, local, or regional governmental entities or authorities, and their individual employees or agents may not be held liable for any injury or loss of life caused by changing surf or other naturally occurring conditions along coastal areas whether or not uniform warning and safety flags or notification signs developed by the DEP are displayed or posted.

The DEP, through the Florida Coastal Management Program, may also develop and make available to the public other educational information and materials related to beach safety.

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 38-0; House 116-0

HB 1855 — Natural Resources

by Environmental Regulation Committee; Rep. Needelman and others (CS/SB 2510 by Environmental Preservation Committee and Senator Lawson)

This bill amends several provisions relating to the natural resources and the environment.

Natural Resources Damage Assessments

The bill provides that as an alternative to the compensation schedule specified in s. 376.121, F.S., the Department of Environmental Protection may, when no responsible party is identified, when a responsible party opts out of the formula under subsection 376.121(10)(a), F.S., or when the department conducts a cooperative damage assessment with federal agencies, use methods of calculating natural resources damages in accordance with federal rules implementing the Oil Pollution Act of 1990, as amended.

For cases in which the department may use a method of natural resource damage assessment other than the compensation schedules described in subsections (4), (5), (6), and (9) of s. 376.121, F.S., the department may use the methods described in federal rules implementing the Oil Pollution Act of 1990, as amended. When a responsible party is identified and the department is not conducting a cooperative damage assessment with federal agencies, the person responsible has the option to pay the amount of compensation calculated under the statutory compensation schedule or pay the amount determined by a damage assessment performed by the department. If the person responsible for the discharge elects to have a damage assessment

performed, such person shall notify the department in writing of the decision within 30 days after identification of the discharge by the department.

In the event the person responsible for a discharge elects to have a damage assessment performed, said person shall pay to the department an amount equal to the statutory compensation for the discharge using the lesser of the volume of the discharge or a volume of 30,000 gallons.

Heavy Mineral Mining

The bill provides that an increase in the size of a heavy mineral mine as defined s. 378.403(7), F.S., will only constitute a substantial deviation subject to additional development-of-regional-impact review if the average annual acreage mined is more than 500 acres and consumes more than 3 million gallons of water per day.

Coastal Zone Management Act Reviews

The bill specifies that the state may review permits and licenses required for the siting and construction of any new electrical power plants as defined in s. 403.503(12), F.S., and the licensing and relicensing of hydroelectric power plants under the Federal Power Act, 16 U.S.C. ss. 791a et seq., as amended.

Further, the state may review permits and licenses required under the Mining Law of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as amended; the Federal Land Policy and Management Act, 43 U.S.C. ss. 1701 et seq., as amended; or the OCS Land Act 43 U.S.C. ss. 1331 et seq., as amended, for drilling, mining, pipelines, geological and geophysical activities, or rights-of-way on public lands and permits and licenses required under the Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as amended.

The provision allowing for broad review of permits for pipeline rights-of-way for oil and gas transmissions is deleted. The bill also clarifies the review provisions for activities permitted under the Deepwater Port Act of 1974.

When an environmental impact statement or environmental assessment that is required by the National Environmental Policy Act has been prepared for a specific activity, use, or project that is subject to federal consistency review, the environmental impact statement or environmental assessment shall be the data and information necessary for the state's review of the consistency of that activity, use, or project.

Total Maximum Daily Loads

Numerous changes are made to s. 403.067, F.S., relating to the development and implementation of total maximum daily loads. The bill adds specific criteria that will be followed in the development of basin management action plans; implementation of the loads; and development and use of best management practices. The practical purpose of these new criteria is to address the inclusion of nonpoint sources into the program and provide guidance for how the plans will interact with existing permitting programs.

Oceans and Coastal Resources Management Act

This bill contains the provisions of CS/CS/SB 1670 relating to Oceans and Coastal Resources. The bill creates ch. 161, part IV, F.S., to be entitled the Florida Oceans and Coastal Resources Conservation and Management Act.

Specifically, the bill would:

- Create the Florida Oceans and Coastal Council within the Department of Environmental Protection comprised of 18 members and three ex-officio members;
- Direct the council to review and compile existing and ongoing ocean and coastal research and monitor activities relevant to the state of Florida;
- Require the council to develop a library to serve as a repository of information for use by those involved in ocean and coastal research;
- Direct the council to complete a Florida Oceans and Coastal Scientific Research Plan with specified objectives by January 15, 2006, to be used by the Legislature in making funding decisions;
- Require the council to prepare a comprehensive oceans and coastal resource assessment to serve as a baseline of information for the research plan by December 1, 2006; and
- Provide a pilot project to demonstrate the feasibility of collaborative research efforts to evaluate the potential for inland, recirculating, and aquaculture technology to produce marine species and to implement new marine stock enhancement initiatives.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0

CS/CS/SB 2502 — Water Management Districts

by Governmental Oversight and Productivity Committee; Environmental Preservation Committee; and Senators Dockery and Bullard

This bill would allow each water management district to implement a small business program designed to help small businesses, including those owned by women and minorities, to participate in district procurement and contract activities. The purpose of the program is to spur economic development and support small businesses, including women-owned and minority-owned businesses, to successfully expand in this market place.

Water management district governing board members whose terms have expired may continue to serve until a successor is appointed, but not more than 180 days.

The grandfather provisions relating to jurisdictional declaratory statements for wetlands delineation are clarified.

For any regional water supply plan that is scheduled to be updated before December 31, 2005, the deadline for such update shall be extended by 1 year.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0